

# Guidance for Water Utility Response to Notice and Statement of Appeal

## Public Water System Coordination Act of 1977



**King County**  
Utilities Technical Review Committee  
Department of Natural Resources and Parks

The following information is intended to assist a water utility in responding to a *Notice and Statement of Appeal* filed with the King County Utilities Technical Review Committee (UTRC). The appeal process is intended to facilitate resolution of disputes regarding provision of water service, as related to implementation of Coordinated Water System Plans under the Public Water System Coordination Act of 1977.

The response form and other information are available at the UTRC website:

<http://www.kingcounty.gov/depts/dnrp/utilities-technical-review-committee/CWSPs/appeal-process.aspx>.

## Background

Washington state enacted the Public Water System Coordination Act of 1977 (Coordination Act) (Chapter 70.116 RCW), in part, to limit the number of new public water systems. In response to this law, King County established four Coordination Water System Plans (CWSPs) in the 1980s to manage future development of public water supply in critical water supply service areas.

The Coordination Act stipulates that no new public water supply system be established in these critical areas unless it is determined that existing water utilities cannot provide water service in a timely and reasonable manner. A party that believes an offer of water service from a utility, usually documented in a *Certificate of Water Availability*, is not timely and/or reasonable can file an appeal with the UTRC. The appeal may include a proposal for alternative means for supplying water to the property.

Issues subject to appeal include, but are not limited to, the following:

- Interpretation and application of water utility service area boundaries;
- Proposed schedule for providing service;
- Conditions of service, excluding published rates and fees ;
- Annexation provisions imposed as a condition of service, unless existing authorities of city government under an CWSP are altered through an interlocal agreement between a city and King County or as specifically authorized by Chapter 70.116 RCW; and
- Established minimum design standards.

## Instructions

The following guidance is to assist in completing the *Water Utility Response to Notice and Statement of Appeal*:

- Provide the utility name and the *Certificate of Water Availability (CWA) number* at the top of each page of the form and any attachments.

- Respond to each item. If the form is incomplete, the UTRC will not be able to fully evaluate the responder's position.
- If an item does not pertain to the pending appeal, indicate "not applicable."
- Attach the following documents and supporting information:
  - Copy of the *Certificate of Water Availability* (CWA) with the date it was issued.
  - Description of how the CWA is consistent with your utility policies and adopted water system plan and why the terms and conditions on the CWA are reasonable.
  - Copies of your utility's codes and policies relevant to the response.
  - Copies of relevant portions of your utility's water system plan.
  - Explanation of why any information in the *Notice of Statement and Appeal* does not accurately portray your utility's position.
  - Other information to support your response, as necessary.